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April 26, 2019

By CM/ECF

The Chambers of the Honorable Judge Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Elliott v. Donegan, et al.*, No. 1:18-civ-05680-LDH-SJB

Dear Judge Bulsara,

I write on behalf of Plaintiff Stephen Elliott and Defendant Moira Donegan. As the Court instructed at the April 12, 2019 hearing, we have met and conferred on several issues.

First, we attach as Exhibit 1 a proposed order for the Google Subpoena. In drafting this proposed order, we began with the Court's unmasking order in *Strike 3 Holdings, LLC v. John Doe*, No. 18 Civ. 3156 (E.D.N.Y.), and made a number of modifications to address the unique needs of this case. Most notably, and as discussed at the April 12 hearing, we have proposed a provision that would apply when Google lacks personal identifying information but is able to identify the IP address associated with a particular modification to the List.

Second, we attach as Exhibit 2 a proposed protective order. Here, too, we began with the Court's model order and made a number of modifications to address the unique needs of this case. To protect the rights of the unknown and anonymous defendants, we included language stating that "This Order is entered without prejudice to the right of any Jane Doe defendant who subsequently appears in the litigation to seek leave of Court to modify the Order."

Third, pursuant to the Court's guidance, Mr. Elliott has served a demand on Ms. Donegan. Following a discussion of that demand, the parties both believe that mediation efforts would not be productive at this time, but will be sure to apprise the Court if that changes.

Respectfully submitted,



Roberta A. Kaplan, Esq.
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Counsel for Defendant Moira Donegan